

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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In the Matter of)

Revision of the Commission's Rules to)
Ensure Compatibility with Enhanced 911)
Emergency Calling Systems)

CC Docket No. 94-102

Guidelines for Wireless E911 Rule)
Waivers for Handset-Based Approaches)
To Phase II Automatic Location)
Identification Requirements)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**COMMENTS OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA")¹ hereby respectfully submits its comments in the above captioned proceeding.² As described in greater detail below, given the reported benefits of handset-based location technologies, the Commission's decision to allow carriers to file requests for waiver of Section 20.18(e) of the Commission's Rules is the proper one. The Commission now must go one step further and grant these requests for waiver. If the goal of this proceeding is "to ensure the rapid, efficient, and effective deployment of ALI as part of E911 in order to

¹ PCIA is an international trade association established to represent the interests of both the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the Broadband PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of FCC licensees.

² Wireless Telecommunications Bureau Outlines Guidelines for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements, Public Notice, CC Docket No. 94-102, DA 98-2631 (Dec. 24, 1998) ("Public Notice").

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promote the public safety and welfare,” carriers must be afforded a reasonable amount of time to ensure that their customers are provided with the best location technology available at the best price.³ Moreover, whether carriers ultimately decide to implement a handset-based, network-based, or a hybrid solution, the marketplace should decide what is the most efficient and effective technology, not some arbitrary-imposed deadline.

I. INTRODUCTION AND BACKGROUND

In the *E911 First Report and Order*,⁴ the Commission adopted rules requiring that affected wireless carriers deploy Automatic Location Identification (ALI) as part of Enhanced 911 (E911) service beginning October 1, 2001, provided certain conditions are met.⁵ Pursuant to Section 20.18(e) of the Commission’s Rules, affected carriers are required to “provide to the designated Public Service Answering Point [with] the location of a 911 call by longitude and latitude within a radius of 125 meters using root mean square techniques.”⁶

Throughout this proceeding, the Commission has repeatedly stated its intention to ensure that its “rules and their application are intended to be technologically and competitively neutral.”⁷ In declaring this intent, the Commission specifically noted that

³ Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Memorandum Opinion and Order, 12 FCC Rcd 22665, 22725 (1997) (*E911 Reconsideration Order*).

⁴ Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996) (*E911 First Report and Order and E911 Second NPRM*).

⁵ Section 20.18 of the Commission’s Rules, 47 C.F.R. § 20.18.

⁶ Section 20.18(e) of the Commission’s Rules, 47 C.F.R. § 20.18(e).

⁷ See e.g., *E911 Reconsideration Order*, 12 FCC Rcd at 22725.

“[m]anufacturers and other interested parties who believe that [the Commission’s] rules could be applied in a way that might unreasonably hamper the deployment of effective ALI solutions may raise this issue in the ongoing rulemaking or by request for waivers.”⁸ Although the Commission went on to state that it did not expect to delay the 2001 deadline, the Commission never ruled out that possibility and noted that it would consider proposals to phase in implementation.⁹ In short, all parties have been on notice since December 1997 that phased in implementation of Phase II was a distinct possibility, perhaps even a preferred method of implementation should the process result in an higher level of accuracy or implementation of ALI capabilities before the October 1, 2001, deadline.

II. THE COMMISSION’S DECISION TO INITIATE THE WAIVER PROCESS IS IN THE PUBLIC INTEREST

Since the Bureau released its *Public Notice*, some parties have filed comments expressing opposition to the waiver process.¹⁰ In its comments, the Phase II Working Group, comprised of four network-based location technology vendors,¹¹ argues that “the Bureau’s *Public Notice* marks a significant departure from the FCC’s decisions on the record in this Docket, is antithetical to the public interest, and undermines both the Commission’s efforts to achieve technological neutrality and the market’s attempt to

⁸ *Id.* The Commission clearly indicated that handset-based technologies using the GPS satellite system may, in fact, be hampered by the rules mandated by the Commission.

⁹ *Id.*

¹⁰ *See* Phase II Working Group Comments (Feb. 4, 1999); Public Safety Associations’ Comments (Feb. 2, 1999).

¹¹ The four vendors forming the Phase II Working Group are KSI Inc., TruePosition, Inc., Corsair Communications, Inc., and SigmaOne Communications Corp.

bring location technologies to the public on a timely basis.”¹² In addition, the Phase II Working Group contends that the *Public Notice* “may well impede the introduction of life saving systems and technologies that are currently available.”¹³ On a similar note, the Public Safety Associations, composed of the National Emergency Number Association (“NENA”), the Association of Public-Safety Communications Officials-International, Inc. (“APCO”), and the National Association of State Nine One One Administrators (“NASNA”), state that “[b]etween the lines, [they] detect a tentative conclusion [by the Bureau] that universality of access and use – in both geographic and economic terms – can be compromised or given up in exchange for promises of early delivery of improved accuracy and reliability.”¹⁴ The Public Safety Associations note that “while [their] minds remain open, they intend to approach any waiver applications skeptically.”¹⁵

It is hardly surprising that the Phase II Working Group is urging the Bureau to deny any waiver to extend or delay the Phase II E911 requirements or that the Public Safety Associations are approaching all requests for waiver skeptically. Constituents of the Phase II Working Group are competing directly with handset-based location technology vendors to secure multi-million dollar business relationships with many of our member carriers. One carrier estimated that the costs to the wireless industry of implementing a network-based system could be as high as 2 billion dollars.¹⁶ It is ironic

¹² Phase II Working Group Comments, at 2.

¹³ *Id.*

¹⁴ Public Safety Associations’ Comments, at 4.

¹⁵ *Id.*, at 5.

¹⁶ *See* Sprint Spectrum L.P. Waiver Request (Feb. 4, 1999).

that a group that seems to be so concerned about saving lives would be so opposed to another location solution that may soon provide even greater accuracy at a lower cost. Based upon representations by several handset-based vendors, it seems reasonable to expect ALI accuracy comparable to unaided GPS for handset solutions, eventually reaching levels substantially better than traditional network-based solutions. The Commission's decision to initiate a waiver process for handset-based technologies is not "tipping the scales" toward handset-based technologies, as the Phase II Working Group alleges.¹⁷ Only the marketplace will determine the most efficient and effective technology. In regards to the skepticism expressed by the Public Safety Associations, that expression of doubt is without merit. Given the fact that fifty-six percent of wireless phone users cited emergency situations as their main reason for purchasing a mobile phone, wireless carriers have every incentive – social and economic -- to deploy Phase II technology in a expeditious manner.¹⁸

III. CONCLUSION

All parties in this proceeding want to be able to provide the locations of wireless 911 callers to public safety agencies as soon as possible – especially carriers. However, it simply does not make sense to have an artificially-imposed deadline risk creating a potential scenario in which carriers are forced to spend millions of dollars on a particular location technology (i.e., a network-based solution) only to discover shortly thereafter that another solution (i.e., a handset-based solution) provides greater location accuracy.

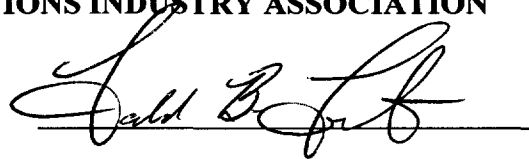
¹⁷ Phase II Working Group Comments, at 5.

¹⁸ PCIA's 1998 Wireless Market Monitor (Oct. 1998).

Throughout this proceeding, the Commission has repeatedly stated that it wants to ensure that its rules and policies remain technologically and competitive neutral. In order to do this, the Commission must grant limited waivers that would permit a gradual implementation of Phase II handset technology. Giving carriers time to choose from the broadest array of location technologies and vendors will allow them to provide their customers with best location technology available.

Respectfully submitted,

PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

A handwritten signature in cursive script, appearing to read "Todd B. Lantor", written over a horizontal line.

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